

EXHIBIT 39

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AFFIDAVIT OF KRISTINA MURPHY ROGERS

Before me, the undersigned authority, personally appeared Kristina Murphy Rogers, who was sworn and says under oath:

1. My name is Kristina Murphy Rogers. I am over the age of 18 and otherwise competent to give this affidavit.
2. I was born on March 22, 1970 in Dallas. I now live in Temple, Texas. Patrick Henry Murphy Jr. is my half brother. We share the same father – Patrick Henry Murphy Sr.
3. Patrick moved in with my family when I was a baby. He was nine years old at the time.
4. My mother was Patricia Murphy. She died in 2000. She raised me and Patrick, pretty much alone because my father was constantly on the road for work.
5. My mother would have to discipline Patrick with a belt.
6. Patrick was clearly messed up and had serious problems long before he moved in with us. I don't think he learned any morals while he lived with his mother.
7. Patrick would run away from home a lot when I was a little girl and he was a teenager.
8. Patrick lived with us in Dallas for a few years and then moved with us to Rockdale when he was a teenager.
9. When we lived in Dallas and first moved to Rockdale, my dad wasn't around very much because he was a truck driver. Eventually my mother called him and said that I barely knew him. When he heard that, my dad found a job that let him stay closer to his family and still support us.
10. In Rockdale, Patrick dropped out of high school and ran away again. He moved into a place called House of Abel. House of Abel was mainly a shelter but it also served as drug rehab facility. It was run by a minister named Don Ballinger. Before we moved to Rockdale, my mother would go to services at Ballinger's main church every now and then.

11. My mother told me that Don Ballinger had a sexual relationship with Patrick when Patrick was living at House of Abel. Patrick was only a teenager at the time and was much younger than Don Ballinger. I don't think it was right for Don Ballinger to be having sex with someone who was half his age and living under his roof.
12. Don Ballinger is now dead, and there's nothing left of his church. My mother told me that she heard he got into trouble for sexually abusing his parishioners and eventually lost his church. I heard rumors that he got sick, possibly with HIV.
13. Don Ballinger kicked Patrick out after several months. Patrick and our family moved to Rockdale to get away from all of this and start fresh. Sometime later Patrick joined the Army.
14. Two of my dad's brothers have been in prison for sexually molesting children. Both of them spent time with our family when Patrick was young and was living with us.
15. Before Patrick's trial, the only person from his defense team that I talked to was a woman lawyer named Brooke Busbee. I went to her office one morning during Patrick's trial. Ms. Busbee was in a hurry to get to the courthouse. She asked me if I would give my permission to be called to testify for Patrick. I told her I was afraid I might say something that would hurt him. That was all we said to each other before going over to the courthouse for Patrick's trial. She never talked to me again about testifying.
16. No one else from Patrick's defense team ever contacted me. I don't think Patrick's defense team was very committed to helping him.


Kristina Murphy Rogers

Sworn and subscribed to before me, the undersigned notary public on this 24th day of June, 2010.



Notary Public for the State of Texas

My commission expires: 9/6/13

